

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

WILLIAM WISE MURRAY,

Petitioner,

v.

**Civil Action No. 2:05 CV 96
(Maxwell)**

JOYCE FRANCIS, Warden,

Respondent.

ORDER

Having considered the Petitioner's Motion For Leave To Proceed On Appeal In Forma Pauperis and the Affidavit in support thereof, both filed in the above-styled *habeas corpus* action on October 5, 2007, it is

ORDERED that, pursuant to Rule 24(a) of the Federal Rules of Appellate Procedure, the Petitioner's Motion For Leave To Proceed On Appeal In Forma Pauperis (Docket No. 66) be, and the same is hereby, **GRANTED**, and the Petitioner may proceed on appeal without prepayment of costs or fees.

In light of the granting of the Petitioner's Motion For Leave To Proceed On Appeal

In Forma Pauperis, it is further

ORDERED that the Clerk of Court shall docket the Petitioner's Motion For Leave To Proceed On Appeal In Forma Pauperis Pursuant To Fed. R. App. Proc. 24(a) (Docket No. 70) as having been denied as moot. It is further

ORDERED that the Clerk of Court shall transmit the record in the above-styled *habeas corpus* action to the United States Court of Appeals for the Fourth Circuit in accordance with Rule 11 of the Federal Rules of Appellate Procedure. It is further

ORDERED that the Clerk of Court shall transmit a copy of this Order to the *pro se* Petitioner; to counsel of record; and to the United States Court of Appeals for the Fourth Circuit.

ENTER: October 15th, 2007


United States District Judge